



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: July 12, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Robert Price, Assistant Planner

Subject: **Chad E. Branon, P.E. of Fieldstone Land Consultants for Red Oak Property Management, Inc. (applicant) and Turkey Hill Road 136 Trust (owner)** - Continued review for acceptance and consideration of Final Approval for a subdivision of one lot into two lots. The parcel is located at 136 Turkey Hill Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 386. **This agenda item is continued from the June 7, 2016 meeting.**

Background

Please refer to Tim Thompson's original memo for this project, dated June 7, 2016 for background information. That memo raised two primary concerns:

1. **Lot size for the lot to contain the apartment buildings:** To address staff's concern, the lot size for the lot containing the existing non-conforming apartment buildings was revised from 650,392 square feet to 725,000 square feet, making it compliant with the zoning requirements in place at the time the apartments were permitted (which required a lot of at least 720,000 square feet) and allowing them to retain their legal non-conforming status.
2. **Boundary Survey and Existing Conditions:** The concern was that the original plans submitted by the applicant were not based on a current boundary survey, nor was any new survey work done to verify existing conditions within the property. This observation was supported by the wording of Notes 9-12 on the plan, which explained that the boundary information and other information shown on the plans was not as a result of any survey work done by the applicant's design firm, but rather were based on reference plans from several years ago. To address this concern, an on-site survey was conducted by the applicant in June 2016 and Notes 9, 11 & 12 have been revised to indicate the information referenced in these notes is now based upon an on-site survey. Staff does note, however, that Note 10 regarding horizontal orientation and vertical data remains solely based on reference plans. As staff pointed out in the original memo, neither of the plans referenced in Note 10 have been recorded at the Hillsborough County Registry of Deeds, making verification of the referenced plans even more difficult.

With these items addressed, staff believes that the application can move forward with Planning Board review.

Completeness

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers

Although none have been requested, **staff recommends a sidewalk waiver be submitted in writing** per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination under Section 4.07 that it is not necessary.

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Recommendation

Based on the information available to date, **staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits (*as may be applicable*), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Building Department, as applicable;
6. The applicant shall address the following comments from the Fire Department, as applicable:
 - a. The construction of all roads and access ways must be completed to the Town of Merrimack Specifications allowing access and supporting the weight of fire and emergency medical apparatus throughout the construction period. Due to the length of the new proposed driveway on lot 4C-386-1 which is over 300 feet in length, it must also meet the above standard, as well as maintaining a minimum clear width of 16 feet throughout its length and having an acceptable Fire Apparatus Turn around area at the far end of the driveway. (NFPA 1, Chapter 18);
7. The applicant shall address the following comments from the Public Works Department:
 - a. A note should be added indicating any work within the public right of way requires a permit from the Highway Division of Public Works;

- b. The driveway apron is to be paved from the connection at Turkey Hill road to the property line;
 - c. The property line offset from the centerline of Turkey Hill Road should be examined by the designer to confirm that there is at least 25' from CL to property line; should that distance not exist, a ROW easement or dedication to the town should be granted;
 - d. Property bounds should be found or set (concrete/granite bounds) at all locations specified in the subdivision regulations along the Turkey Hill Road frontage;
8. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
9. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
10. The applicant shall address any forthcoming comments from the Police Department, as applicable;
11. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant should provide appropriate details for water connection to the lot per the typical requirements of MVD;
 - b. Portions of the proposed driveway encroach within the wetland setback. The Planning Board and Conservation Commission should consider this as part of their review of the subdivision;
 - c. Because the property is in the Aquifer Conservation District, the Conservation Commission must provide recommendations to the Planning Board per the requirements of the Zoning Ordinance;

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department (Highway Division) for the proposed new driveway;
4. The new lot created by this subdivision shall have the following addresses assigned: Lot 4C-386-1 shall be # 134 Turkey Hill Road

Ec: Turkey Hill Road 136 Trust, Owner
Red Oak Property Management, Inc., Applicant
Chad Branon, Fieldstone Land Consultants
Building Department Staff
John Manuele, Captain, Merrimack Fire Department
Assessing Department Staff

Cc: Planning Board File
Correspondence

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